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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,910	06/28/2001	Chris Knudsen	ROHSEN.001A	4637

7590 07/27/2004
David G. Rohlander
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EXAMINER	
MCALLISTER, STEVEN B	
ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,910

Applicant(s)

KNUDSEN ET AL.

Examiner

Steven B. McAllister

Art Unit

3627

MM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/15/02, 2/20/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I in the reply filed on 4/12/2004 is acknowledged.

Claim 11 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/12/2004.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "comprehensive" in claims 1, 9 and 10 is a relative term which renders the claims indefinite. The term "comprehensive" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 1, 9 and 10 recite enabling selected sellers to review "all open RFQ's". However, the specification does not support this. Rather, it shows allowing selected sellers to review all open RFQ's for which they were selected.

Claim 3 recites "show pay". It is assumed that this means "slow pay".

Claim 3 recites rating sellers as to "Quick Pay, [Slow] Pay, Pay Per Terms and Quality of Experience". However, as understood by the examiner, the seller is not rated per each category. Rather, it appears that the seller is rated as to the speed of payment and quality of the experience, where the categories of payment are specific ratings for that category.

Claim 4 recites "Delivery/Landed Price". It is assumed that the slash is intended to be a comma since the specification shows it so.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (5,758,328) in view of Hoffman (2001/0039529).

Giovannoli shows storing a database for manufacturing companies' information; receiving an RFQ which includes buyer's requirements for the seller; contract specifications (such as delivery date) and component specifications (see e.g., col. 5, lines 50-60); automatically selecting from the database sellers having the capability to supply the component (e.g., col. 5, lines 9-12); enabling selected sellers to view all open RFQ's for which they were selected. As to the manufacturer data stored, sales volume,

process capability, and markets served are inherently stored since all information is necessary to determine if the company can fulfill the RFQ (e.g., is there sales volume smaller than the quantity ordered; do they have the capability of building that type of item; and do they sell to the buyer's location – without being able to answer these questions, it is impossible to determine whether they are capable of quoting on the RFQ). Giovannoli does not show transmitting drawings with the RFQ; automatically transmitting a list of sellers to the buyer for selection; or storing historical transactions including RFQ's and bids. Hoffman shows automatically transmitting a list of sellers to the buyer for selection and storing historical transactions including RFQ's and bids. It would have been obvious to one of ordinary skill in the art to modify the method of Giovannoli as taught by Hoffman in order to ensure that the buyer approves of the companies bidding and to provide a source for comparing present RFQs and bids with past bids and RFQs. As to including drawings with the RFQ, it is notoriously old and well known in the art to include drawings with an RFQ. It would have been obvious to one of ordinary skill in the art to further modify the method of Giovannoli by providing drawings in order ensure that there is no question as to the item to be procured.

As to claims 2 and 3, Giovannoli in view of Hoffman show all elements of the claim except providing feedback where the buyer is rated by speed of payment and quality of experience. However, to do so is notoriously old and well known in the art. For instance, in eBay buyers and sellers rate each other and buyers are rated according to speed of payment and quality of experience. It would have been obvious to one of ordinary skill in the art to further modify the method of Giovannoli by providing such

feedback in order to provide future market participants with guidance to a particular actor.

As to claims 2 and 4, Giovannoli in view of Hoffman show all elements of the claim except providing feedback where the seller is rated by quality, delivery, price and quality of experience. However, to do so is notoriously old and well known in the art. For instance, in eBay buyers and sellers rate each other and buyers are rated according to these factors. It would have been obvious to one of ordinary skill in the art to further modify the method of Giovannoli by providing such feedback in order to provide future market participants with guidance to a particular actor.

As to claim 5, Giovannoli in view of Hoffman shows online locating of buyers of similar components (e.g., col. 6, lines 50-60 of Giovannoli).

As to claim 6, Giovannoli in view of Hoffman shows location of sellers of similar components.

As to claims 7 and 9, Giovanolli in view of Hoffman show all elements except transmitting to unsuccessful bidders information about the buyer's decision including quality, delivery, price, and geography. However, it is notoriously old and well known in and RFQ or RFP process to provide losing bidders with this information. It would have been obvious to one of ordinary skill in the art to provide losing bidders with information regarding the buyer's decision in order to ensure trust in the process (by maintaining an open process) and in order to enable the losing bidders to address deficiencies.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli in view of Hoffman as applied to claim 1 above, and further in view of Erickson (6,014,644).

Giovannoli in view of Hoffman show all elements except sending pictures of the item. Erickson shows this element (e.g., col. 3, lines 55-65). It would have been obvious to one of ordinary skill in the art to include a photograph in order to further ensure specification of the item is clear.

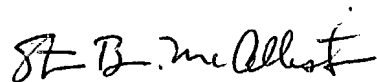
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister